



General Assembly

February Session, 2016

***Raised Bill No. 5345***

LCO No. 1437

\* \_\_\_\_\_ HB05345JUD \_\_\_\_\_ 031716 \_\_\_\_\_ \*

Referred to Committee on JUDICIARY

Introduced by:  
(JUD)

***AN ACT CONCERNING THE IMPOSITION OF FEE LIENS IN CERTAIN  
PROBATE COURT MATTERS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 45a-107b of the 2016 supplement to the general  
2 statutes is repealed and the following is substituted in lieu thereof  
3 (*Effective July 1, 2016*):

4 (a) As used in this section: (1) "Bona fide purchaser" means a party  
5 who takes a conveyance of real property in good faith and pays  
6 valuable consideration, without actual, implied or constructive notice  
7 that (A) a holder or former holder of a title interest in the real property  
8 died on or after January 1, 2015, while continuing to hold an interest in  
9 the real property at the time of death, or (B) a former holder of title in  
10 the real property died on or after January 1, 2015, and after making a  
11 lifetime transfer of an interest in the real property to a trustee who  
12 continued to hold the interest at the time of the former holder's death;  
13 and (2) "qualified encumbrancer" means a party who places a burden,  
14 charge or lien on real property, in good faith, without actual, implied  
15 or constructive notice that (A) a holder or former holder of a title  
16 interest in the real property died on or after January 1, 2015, while

17 continuing to hold an interest in the real property at the time of death,  
 18 or (B) a former holder of a title interest in the real property died on or  
 19 after January 1, 2015, after making a lifetime transfer of an interest in  
 20 the real property to a trustee who continued to hold the interest at the  
 21 time of the former holder's death.

22 [(a)] (b) The fees imposed under [subsections (b), (c) and (d)]  
 23 subsection (b) of section 45a-107 shall be a lien in favor of the state of  
 24 Connecticut upon any real property located in this state that is  
 25 included in the basis for fees of the estate of a deceased person, from  
 26 the due date until paid, with interest that may accrue in addition  
 27 thereto, except that such lien shall not be valid as against any [lienor,  
 28 mortgagee, judgment creditor or] bona fide purchaser or qualified  
 29 encumbrancer until notice of such lien is filed or recorded in the town  
 30 clerk's office or place where mortgages, liens and conveyances of such  
 31 property are required by statute to be filed or recorded.

32 [(b)] (c) The Probate Court for the district in which the decedent  
 33 resided on the date of his or her death or, if the decedent died a  
 34 nonresident of this state, for the district within which real estate or  
 35 tangible personal property of the decedent is situated, shall issue a  
 36 certificate of release of lien for any such real property not later than ten  
 37 days after receipt of payment in full of such fee and interest thereon.  
 38 The court may issue a certificate of release of lien for any such real  
 39 property, or portion thereof, if the court finds that the fee and interest  
 40 thereon has not been fully paid but that payment is adequately  
 41 assured. A certificate of release of lien may be recorded in the office of  
 42 the town clerk within which such real property is situated, and such  
 43 certificate shall be conclusive proof that the fees have been paid and  
 44 such lien discharged.

This act shall take effect as follows and shall amend the following sections:

Section 1	July 1, 2016	45a-107b
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***JUD***      *Joint Favorable*